

AMENDMENTS TO THE DRAWINGS:

Applicant(s) submit(s) herewith thirty (30) pages of replacement drawing sheets, specifically FIGURE(S) 1-31C. The replacement drawing sheets are being submitted to replace the informal drawings originally filed with the application. The drawing sheet(s) are each labeled "Replacement Sheet." No new subject matter has been added.

REMARKS

The Examiner's communication dated June 9, 2008 has been received and carefully considered. In conformance with the applicable statutory requirements, this paper constitutes a complete reply and/or a bona fide attempt to advance the application to allowance. Claims 2, 3, 7, 10, 12, 20 and 24 have been amended. In addition, detailed arguments in support of patentability are presented. Reexamination and/or reconsideration of the application as amended are respectfully requested.

Summary of the Office Action

The drawings were objected to because the lines were allegedly not uniformly thick and well defined.

The specification was objected to due to allegedly being a poor, barely legible copy.

Claims 2, 9, 19, 20, 22, 24 and 25 stand rejected to under 35 U.S.C. § 102(b) as being anticipated by Greenwood (U.S. Patent Application No. 3,808,757).

Claims 2, 19-22, 24 and 25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gordon (U.S. Patent No. 5,740,575).

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Greenwood or Gordon, as applied above.

Claims 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Greenwood or Gordon as applied above, and further in view of Richardson (U.S. Patent No. 3,788,016).

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Greenwood or Gordon as applied above, and further in view of Shomaker (U.S. Patent No. 6,701,563).

Drawings

The drawings have been amended to overcome the Examiner's objection thereto. In particular, formal drawings are submitted herewith and the lines of said formal drawings are uniformly thick and well defined. No new matter is added with these drawings.

Specification

As indicated in the summary section above, the Examiner objected to the disclosure indicating that the copy provided "is a poor, barely legible copy." The Examiner indicated that a clear copy of the specification must be provided. Applicant is confused by the Examiner's objection to the disclosure in as much as it has been published as U.S. Patent Publication No. 2006/0059636 and such publication is of course very legible. To the extent that the Examiner has lodged this objection due to the drawings, including the drawings as published in the '636 publication, Applicant respectfully submits that the formal drawings referenced in the preceding section should overcome any such objection.

Rejoinder of Dependent Claims 3-8 and 10-16

Claims 3, 7 and 10 have been amended such that these claims each depend from elected claim 2. As a result, Applicant respectfully submits that claims 3-8 and 10-16 should be rejoined with the elected claims of Group II.

Claims Distinguish Patentably Over the Reference(s) of Record

Independent **claims 2, 19, 20 and 24** each call for a prefabricated moveable member to be arranged to engage an elongate member for retention and longitudinal movement relative to the elongate member. These claims further require the prefabricated moveable member to have an extension arranged to directly support a deck laterally of the elongate member by contact with an underneath surface of the deck and still further require that the prefabricated moveable member be locatable at predetermined longitudinal positions relative to the elongate member.

The recited elongate member is by definition elongate and therefore has a longitudinal axis. The required longitudinal movement of claims 2, 19, 20 and 24 comprises movement of a prefabricated moveable member along either this axis or a line which is parallel with this axis. If the prefabricated moveable member is contacting the elongate member, the longitudinal movement would comprise movement of the

prefabricated moveable member at least partially along the length of the elongate member. If the prefabricated moveable member is separated from the elongate member, the longitudinal movement could comprise movement of the prefabricated moveable member toward or away from the elongate member, along the longitudinal axis or a line which is parallel with that axis. It could also comprise movement of the prefabricated moveable member along a line which is parallel to the longitudinal axis of the elongate member but laterally offset so that the members are laterally spaced apart. In any case, claims 2, 19, 20 and 24 require that the prefabricated moveable member engages and retains the elongate member. In this regard, Applicant respectfully submits that the longitudinal movement comprises connection between the prefabricated moveable member and the elongate member, and movement of the prefabricated moveable member is at least partially along the length of the elongate member.

If the prefabricated moveable member is also elongate, it would have its own longitudinal axis. Generic longitudinal movement, as opposed to longitudinal movement required by each of claims 2, 19, 20 and 24, could comprise movement of the elongate member relative to the prefabricated moveable member described in relation as discussed in the preceding paragraph, but with the members being swapped. If longitudinal axes of the prefabricated moveable member and the elongate member are coaxial, such generic longitudinal movement could possibly involve extension or contraction of either or both the longitudinal or prefabricated moveable members themselves.

In any case, the label of the elongate member positively defines it as being elongate and therefore having a longitudinal axis. Applicant respectfully submits that there is no justification for interpreting the recited longitudinal movement in claims 2, 19, 20 and 24 in such a way that requires the prefabricated moveable member to be elongate. In applying Greenwood against each of claims 2, 19, 20 and 24, the Examiner considers 42 the elongate member, legs 44 the prefabricated moveable member, and struts 56 and attached center tie plate 38 the extension. As shown in the drawings, the sockets 42 receive upper ends of the upper leg sections 44a and attach to a deck border frame 22 so that the border frame sits on and is supported by the legs 44

via the sockets 42. The deck includes paneling 40 which rests on the border frame 22. Lower leg sections 44b move relative to corresponding upper leg sections 44a and sockets 42, and the struts attached to upper leg sections 44a which do not move relative to the sockets 42.

Applicant respectfully submits that the longitudinal movement recited in claims 2, 19, 20 and 24 comprises connection between the recited prefabricated moveable member and the recited elongate member, and movement of the prefabricated moveable member occurs at least partially along the length of the elongate member. In Greenwood, the legs 44 do not move along the length of the socket 42. Furthermore, a portion of the legs 44 that are received within the sockets 42 do not move relative to the sockets 42. Also, Applicant respectfully submits that movement of a portion of the legs 44 relative to the sockets 42 does not constitute movement of those portions of the legs 44 along the sockets 42.

In the Examiner's application of Greenwood, the Examiner asserts that the longitudinal extension or contraction of legs 44 themselves comprise longitudinal movement of a prefabricated moveable member relative to an elongate member. This interpretation by the Examiner requires the prefabricated moveable member to be elongate. It also requires that movement of the prefabricated moveable member comprises movement within that member rather than movement of that member relative to another member.

Stated in another way, the Examiner is using the multi-member legs 44 comprising upper leg portion 44a and lower leg portion 44b telescopingly received in upper leg portion 44a as a moveable member that is alleged to be longitudinally moveable relative to an alleged elongate member 42, i.e., socket 42. Of course, upper leg portion 44a does not move longitudinally or otherwise relative to socket 42. Only lower portion 44b moves relative to upper portion 44a. At best, only lower portion 44b could be considered a moveable member, but this "moveable member" does not have an extension arranged to directly support a deck as required by each of claims 2, 19, 20 and 24.

For at least the foregoing reasons, Applicant respectfully submits that claims 2, 19, 20 and 24 and their dependent claims distinguish patentably over Greenwood and request the Examiner to withdraw his rejection.

In applying Gordon against claims 2, 19, 20 and 24, the Examiner asserts that each bolt 73 of Gordon is a prefabricated moveable member, each vertical side post 60 and 62 is an elongate member, and each rail 70 and 72 is an extension. Referring to Gordon, bolts 73 pass through holes 63 in posts 60,62 during assembly of the ramp. Movement of the bolt 73 comprises movement in a direction which is aligned with respective longitudinal axes of the bolts 73 but also transverse to a longitudinal axis of side posts 60 or 62. It is respectfully submitted that this is outside each of claims 2, 19, 20 and 24 in as much as there is no disclosure or fair suggestion of longitudinal movement of the bolts 73 relative to the posts 60,62 when the bolts 73 are engaged with the post 60 or 62.

More specifically, the Examiner's application of Gordon requires that the longitudinal movement of claims 2, 19, 20 and 24 involve movement of the prefabricated moveable member in the form of bolts 73 along their own longitudinal axes. However, the Examiner's interpretation also requires that the predetermined longitudinal positions recited in each of these claims to comprise holes 63 of the posts 60 and 62. The Examiner therefore interprets the longitudinal movement of claims 2, 19, 20 and 24 as essentially unrelated to the longitudinal positions except that the longitudinal movement is involved in locating the rails 70 and 72 at the longitudinal positions. Applicant respectfully submits that the claims require a relationship between the longitudinal movement and longitudinal positions and that the Examiner's application of Gordon is not justifiable.

Furthermore, if the longitudinal movement recited in each of claims 2, 19, 20 and 24 is unrelated to the recited longitudinal positions, the longitudinal movement of the bolts 73 has no functional significance other than locating the rails 70 and 72 relative to the posts 60 and 62. If this is the case, Applicant respectfully submits that the definition in the claims of longitudinal movement is entirely unnecessary. Instead, it would be more appropriate to simply define the prefabricated moveable member as being arranged to locate the extension relative to the elongate member. This would mean that

the longitudinal movement and longitudinal positions terminology define essentially the same feature in the claims, with the only difference being that the longitudinal positions terminology relates to predetermined rather than generic location.

For at least the foregoing reasons, Applicant respectfully submits that claims 2, 19, 20 and 24 and their depending claims are patentably distinguishable over Gordon and request that the Examiner's anticipation rejection with respect to Gordon be withdrawn.

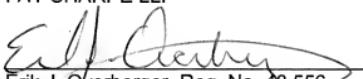
With the rejections withdrawn against the independent claims, Applicant respectfully submits that the subject application would be in condition for allowance.

CONCLUSION

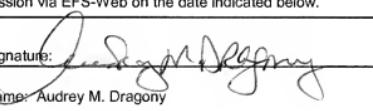
All formal and informal matters having been addressed, it is respectfully submitted that this application is in condition for allowance. It is believed that the claim changes clearly place the application in condition for allowance, defining over any fair teaching attributable to the references of record. Alternatively, if the Examiner is of the view that the application is not in clear condition for allowance, it is requested that the Examiner telephone the undersigned for purposes of conducting a telephone interview to resolve any outstanding differences. Accordingly, an early notice of allowance is earnestly solicited.

Respectfully submitted,

FAY SHARPE LLP


Erik J. Overberger, Reg. No. 48,556
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114-2579
216-861-5582

November 10, 2008
Date

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being	
<input type="checkbox"/> deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.	
<input checked="" type="checkbox"/> transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.	
Express Mail Label No.:	Signature: 
Date: November 10, 2008	Name: Audrey M. Dragony